

GUIDELINES FOR EVALUATING PETITIONS FOR TESTING ACCOMMODATIONS BASED ON LEARNING DISABILITIES

“Definition: Learning disabilities is a general term that refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and occur across the life span . . . Although learning disabilities may occur concomitantly with other handicapping conditions (for example, sensory impairment, mental retardation, serious emotional disturbance) or with extrinsic influences (such as cultural differences, or insufficient or inappropriate instruction), they are not the result of those conditions or influence.”-*National Joint Committee on Learning Disabilities*

In order to be entitled to accommodations based on a learning disability, the individual must provide documentation, at his/her expense, establishing that: 1) he or she has a learning disability that limits a major life activity and 2) the learning disability results in functional limitations that require accommodation in order to take the examination on an equal basis with other applicants for the examination.

The following must be demonstrated:

- Average to above average intelligence;
- Aptitude-achievement discrepancy.

In order for a petition for testing accommodations based on a learning disability to be processed, the petitioner will be required to submit:

1. A petition from the applicant stating the disability, how the disability affects the applicant in the testing environment, and the testing accommodations required;
2. Professional’s statement and evaluation, including diagnostic test results and scores that have been administered within the last five (5) years and after the applicant’s eighteenth (18th) birthday, on the Committee of Bar Examiners’ Form C, describing the diagnosis, how the disability affects the applicant’s ability to take the examination, and what accommodations are needed and why;
3. Law school statement explaining any accommodations provided to the applicant during law school and the rationale for the accommodations granted, if applicable; and,
4. Statement from any other jurisdiction where the applicant was given accommodations for a bar examination, if applicable.

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The clinician's opinion or appropriate specialist's opinion for learning disabilities will be accepted from any of the following professionals:

- Licensed Clinical Psychologist
- Licensed Neuropsychologist
- Licensed Educational or School Psychologist
- Educational Diagnostician
- Learning Disabilities Specialist
- Educational Therapist

The applicant's professional will be asked to describe his or her specialized training in the assessment, diagnosis and remediation of learning disabilities with the adult population. A minimum of three to five years of demonstrated experience with the adult population is considered appropriate and critical.

Formal testing is required and lists of tests that serve as assessment instruments appropriate for the adult population are provided in Form C, Testing Accommodations - Learning Disabilities Verification, which is part of the petition application packet.

Any petition not submitted in a complete form, including the necessary verification forms, test results, evaluations and statements from prior entities that provided accommodations will be deemed incomplete and will be returned to the applicant if all the information is not received within a specified time period.

Complete petitions will be processed in accordance with the review procedures and deadlines established by Rule XVII, *Rules Regulating Admission to Practice Law in California*.